REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicants respectfully request reconsideration and favorable action in this case.

Objections to Claims 1, 3, 9, and 16

The Office Action objects to Claims 1, 3, 9, and 16, stating that the phrase "adapted to" suggests or makes optional but does not require the steps to be performed or does not limit a claim to a particular. Applicants respectfully traverse these objections.

As support for these objections, the Office Action cites M.P.E.P. 2111.04. *See Office Action*, Page 2. Contrary to this citation, M.P.E.P. 2111.04 does not provide for an objection. *See* M.P.E.P. 2111.04. In fact, according to the M.P.E.P., an "objection is made" when "the form of the claim (as distinguished from its substance) is improper." *See* M.P.E.P. 706.01. The M.P.E.P., however, does not indicate that the clause "adapted to" causes the form of the claim to be improper. See M.P.E.P. 2111.04.

For at least this reason, Applicants respectfully submit that the objection to Claim 1 is improper. Thus, Applicants respectfully request that the objection to Claim 1 be withdrawn.

Similar to Claim 1, each of Claims 3, 9, and 16 include an "adapted to" clause. Therefore for at least the reasons discussed above regarding Claim 1, Applicants submit that the objections to Claims 3, 9, and 16 are improper. Thus, Applicants respectfully request that the objections to Claims 3, 9, and 16 be withdrawn.

Furthermore, the M.P.E.P. specifically addresses when patentable weight should be given to "adapted to" clauses:

> [t]he determination of whether each of these clauses is a limitation in a claim depends on the specific facts of the case. In *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005), the court held that when a "'whereby' clause states a condition that is material to patentability, it cannot be ignored in order to change the substance of the invention."

See M.P.E.P. § 2111.04. Just as was the case in *Hoffer*, the "adapted to" clause of Claim 1 states a condition that is material to patentability.

For at least this reason, Applicants respectfully submit that the "adapted to" clause of Claim 1 should be given patentable weight. Favorable action is requested.

Similar to Claim 1, each of Claims 3, 9, and 16 include an "adapted to" clause which states a condition that is material to patentability. Therefore for at least the reasons discussed above regarding Claim 1, Applicants submit that the "adapted to" clause of each of Claims 3, 9, and 16 should be given patentable weight. Favorable action is requested.

Objections to Claims 10 , 17, and 18

The Office Action objects to Claims 10, 17, and 18, stating that there is no proper antecedent basis for the claimed "computer data signal." Applicants respectfully traverse these objections. For example, Applicants respectfully point out that "computer data signal" is recited in the claims as originally filed. According to the M.P.E.P.:

> In establishing a disclosure, applicant may rely not only on the description and drawings as filed but also on the original claims if their content justifies it.

See M.P.E.P. § 608.01(l).

For at least this reason, Applicants respectfully submit that there is a proper antecedent basis for the claimed "computer data signal." Thus, Applicants respectfully request that the objections to Claims 10, 17, and 18 be withdrawn.

Objections to Claims 15-20

The Office Action objects to Claims 15-20, stating that the specification fails to provide proper antecedent basis for the claimed subject matter. Applicants respectfully traverse these objections. Support for the claimed subject matter may be found at, for example, at least Page 4, Lines 6-14; Page 11, Line 21 - Page 12, Line 13; and Page 14, Line 23 - Page 15, Line 2.

For at least this reason, Applicants submit that there is a proper antecedent basis for the subject matter presented in Claims 15-20. Thus, Applicants respectfully request that the objections to Claims 15-20 be withdrawn.

Section 101 Rejections

The Office Action rejects Claim 9 under 35 U.S.C. § 101, stating that the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, in order to advance prosecution, Applicants have amended Claim 9 to recite, "A relational modeler embodied in a computer-readable medium."

For at least this reason, Applicants respectfully submit that Claim 9 is directed to statutory subject matter. Thus, Applicants respectfully request that the rejection of Claim 9 under 35 U.S.C. § 101 be withdrawn.

The Office Action rejects Claims 10, 14, 17, and 18 under 35 U.S.C. § 101, stating that the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse these rejections. However, in order to advance prosecution, Applicants have amended Claims 10 to recite, "A computer data signal embodied in a computer-readable medium."

For at least this reason, Applicants respectfully submit that Claim 10 is directed to statutory subject matter. Thus, Applicants respectfully request that the rejections of Claim 10 under 35 U.S.C. § 101 be withdrawn.

Claims 17 and 18 depend from Independent Claim 10. Therefore, for at least the reasons discussed above regarding Claim 10, Applicants respectfully submit that Claims 17 and 18 are directed to statutory subject matter. Thus, Applicants respectfully request that the rejections of Claims 17 and 18 under 35 U.S.C. § 101 be withdrawn.

Similar to Claim 10, amended Claim 14 recites a limitation related to a computer data signal embodied in a computer-readable medium. Therefore, for at least the reasons discussed above in regard to Claim 10, Applicants respectfully submit that Claim 14 is

directed to statutory subject matter. Thus, Applicants respectfully request that the rejection of Claim 14 under 35 U.S.C. § 101 be withdrawn.

Section 102 Rejections

The Office Action rejects Claims 1-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,122,639 to Babu et al. ("*Babu*"). Applicants respectfully traverse these rejections.

Claim 1 is directed to an apparatus for network management in a heterogeneous environment, including a relational interface, a relational mapper, and a protocol transaction handler. The relational interface is adapted to receive a relational query from a software application requesting network management information from a specified network device. The relational mapper is adapted to translate the relational query received through the relational interface from the software application, to native protocol messages according to an access protocol associated with the network device. The protocol transaction handler is adapted to handle the native protocol messages as a transaction with the network device, and return a result of the transaction to the software application. *Babu* does not disclose each of these limitations.

The Office Action relies on the passage at Col. 8, Lines 20-23 as teaching "a relational mapper adapted to translate the relational query received through the relational interface from the software application." The Office Action concedes that this passage discloses a "lookup operation and other lookup operations using queries in the structured query language to tables in the database 40." *See Office Action*, Page 6. These structured query language (SQL) queries, however, do not disclose, teach, or suggest "adapted to translate the relational query" of Claim 1 (e.g., the SQL queries remain in SQL).

Furthermore, the Office Action relies on device class descriptions 126 of *Babu* as teaching " ... native protocol messages according to an access protocol associated with a network device" of Claim 1. *See Office Action*, Page 6. According to *Babu*:

> The data tables generally comprise a table of device class descriptions 126 and a managed device data table 128 that stores data relating to the devices in the network 108.

See Babu, Col. 6, Lines 62-64. However, *Babu* fails to disclose, teach, or suggest either "native protocol messages," or "access protocol," as required by Claim 1.

For at least these reasons, *Babu* does not disclose the apparatus of Claim 1, for example a relational mapper adapted to translate the relational query received through the relational interface from the software application, to native protocol messages according to an access protocol associated with the network device. Therefore, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Claims 2-8 and 15-16 each depend, either directly or indirectly from Claim 1. Therefore, for at least the reasons discussed above with regard to Claim 1, Applicants respectfully request that the rejections of Claims 2-8 and 15-16 be withdrawn.

Similar to Claim 1, Claims 9-11 include limitations related to translating a relational query from a software application requesting network management information from a specified network device, to native protocol messages according to an access protocol associated with the network device. For at least those reasons discussed above with regard to Claim 1, Applicants respectfully contend that *Babu* does not disclose each of these limitations. Therefore, Applicants respectfully request that the rejection of Claims 9-11 be withdrawn.

Claims 12-14 and 17-20 each depend, either directly or indirectly from Claims 10 and 11, respectively. Therefore, for at least the reasons discussed above with regard to Claim 1, Applicants respectfully request that the rejections of Claims 12-14 and 17-20 be withdrawn.

As a further example, Claim 16 is directed to apparatus of claim 1, further including the relational mapper adapted to translate the relational query, in the form of Structured Query Language, received through the relational interface from the software application, to native protocol messages according to an access protocol, in the form of Simple Network Management Protocol, associated with the network device. *Babu* does not disclose each of these limitations.

The Office Action relies on blocks 402-412 of Figure 4A of *Babu* as teaching the limitations of Claim 16. According to *Babu*:

> In block 404, an SNMP query is constructed to request the detailed device data (DDD) from the network device. ... If the device 118 is discovered successfully in the network, then in block 410 the device provides an SNMP reply message containing the detailed device data.

See Babu, Col. 19, Lines 29-45. That is, *Babu* discloses "an SNMP query" and "an SNMP reply message," but fails to disclose either "translate" or "Structured Query Language," as required by Claim 16.

For at least this reason, *Babu* does not disclose the apparatus of Claim 16 including, for example, the relational mapper adapted to translate the relational query, in the form of Structured Query Language, received through the relational interface from the software application, to native protocol messages according to an access protocol, in the form of Simple Network Management Protocol, associated with the network device. Therefore, Applicants respectfully request that the rejection of Claim 16 be withdrawn.

Similar to Claim 16, Claims 18 and 20 include limitations related to the relational mapper adapted to translate the relational query, in the form of Structured Query Language, received through the relational interface from the software application, to native protocol messages according to an access protocol, in the form of Simple Network Management Protocol, associated with the network device. For at least those reasons discussed above with regard to Claim 16, Applicants respectfully contend that *Babu* does not disclose each of these limitations. Therefore, Applicants respectfully request that the rejection of Claims 18 and 20 be withdrawn.
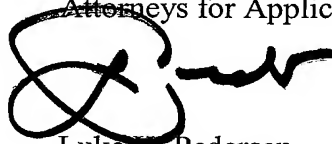
12

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Luke K. Pedersen
Reg. No. 45,003
PHONE: (214) 953-6655

Date: October 16, 2007

CORRESPONDENCE ADDRESS:

Customer Number: **05073**
Attorney Docket No.:   063170.6774